

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

NOMINATION OF CORY T. WILSON

Mrs. HYDE-SMITH. Madam President, it is an honor to speak on behalf of Judge Cory Wilson of Mississippi and in support of his nomination to the Fifth Circuit Court of Appeals.

I have known Judge Wilson for many years. His experience and legal knowledge make him an excellent choice to serve on the appellate court. Numerous colleagues of Judge Wilson's from different backgrounds and political affiliations have risen in support of his nomination and spoken to his personal qualities.

After his impressive nomination hearing and an outpouring of support from Mississippians, who know him best, there is no question that Judge Wilson will be a fair and impartial judge who follows the rule of law. Judge Cory Wilson will serve on the Fifth Circuit with honor, dedication, and distinction.

I am also pleased a judge from Mississippi will mark a historic day as the 200th Federal judge to be confirmed by the U.S. Senate during the Trump administration. Judge Wilson's confirmation represents a pivotal point in the President's work to ensure there are more smart, conservative jurists in the Federal judiciary. Under the leadership of President Trump and Leader McCONNELL, the Senate has prioritized confirming bright, well-qualified men and women who will serve our country for years to come.

I am proud to support Judge Cory Wilson and urge my colleagues to approve his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 4033

Ms. KLOBUCHAR. Madam President, I come to the floor today to urge the Senate to address the threat the coronavirus poses to our elections and to take immediate action to pass my legislation to ensure voters do not have to choose between their right to vote and their own health.

Today is Election Day in Kentucky and in New York and in Virginia. There are runoff elections in North Carolina and in Mississippi, as well. As we speak, voters in the States are experiencing what it is to vote in the middle of a global pandemic. If the past few months are any indication, for many, casting a ballot today will not be safe, and it will not be easy. The coronavirus has caused unprecedented

disruptions in the daily lives of Americans.

In order to protect voters and poll workers, this pandemic has forced us to make changes to how we vote. Sixteen States postponed their Presidential primaries or have transitioned their primaries to almost entirely voting by mail. We have seen Democratic and Republican Governors across the country issue waivers allowing all voters to cast their ballots by mail during the pandemic. This includes States like New Hampshire, with a Republican Governor, and States like Ohio, where they have a Republican Governor who is focused on vote by mail, and States like Maryland, where the Governor has been devoted to vote by mail, and States like Missouri.

While it is important that individual States are taking action to protect voters during this pandemic, we must remember that, in the end, this is a national pandemic. It is not just a pandemic in Vermont or in Utah; it is national.

It is the responsibility of this Nation, of this Nation's government, and of this Congress to ensure that States have the funds they need to make our elections more resilient and to make sure voters don't have to risk their health to cast their ballots.

When we have a national threat or international conflict, we do not expect an individual State to be able to respond. In World War II, when Pearl Harbor was bombed, we didn't say: Oh, Hawaii, you go deal with that yourself.

We, in this Congress, have acknowledged that this pandemic has national consequences in how we responded with the CARES Act and how the House has responded with the Heroes Act, which I hope we will consider very soon in this Congress, and just the fact that, when it comes to voting, this Congress, with bipartisan support—this Senate voted to give over \$400 million originally to the States.

There were some issues with how that money was given out that we are trying to fix, but, nevertheless, it was a downpayment on the fact that even in the beginning of the pandemic, based on what we had seen in Wisconsin, we anticipated that there were going to be problems for voting and that there was going to be a massive change in how our elections were held.

You have States like New York State where only 5 percent of people have voted by mail in the past few Federal elections and States like my own State of Minnesota where, despite having the highest voter turnout in the country, only 25 percent of people on average voted by mail. Now you are seeing switch overs where 50 percent, 60 percent of the people in every single State in the Nation are asking to vote from home or, in the alternative, they are asking for safe voting places by keeping voting places open longer for early voting, by training poll workers so we do not depend on our senior citizens to be staffing the polling locations when

they are the most vulnerable to the coronavirus. This is common sense.

This is why you see Republican Governors and Republican secretaries of state joining Democratic Governors and Democratic secretaries of state all across the Nation to ask for help from Washington.

Today, in Kentucky, New York, and Virginia, election officials are putting more than \$36 million of Federal funding to good use—funding to recruit and train new poll workers, to provide those workers with protective equipment and sanitizing supplies; funding to pay for postage for mail-in ballots, purchase additional equipment, and cover the costs of moving poll locations to accommodate more people. I am proud of having fought to secure that funding.

I appreciate Senator BLUNT, my colleague, who I know is going to be here shortly and is the chair of the Rules Committee, for assisting in making sure that funding was designated, as well as Senator SHELBY, Senator LEAHY, Senator COONS, and so many others who have worked on this important issue.

It is a good first step, but let us remember these are still the primaries in a few States. If you talk to election officials across the country, they will tell you that it wasn't enough and that they desperately need more resources for the general election when so many more people vote. Support from the Federal Government is vital because we have seen States struggle when it comes to administering elections during the pandemic. We also know it is not as if they have a reservoir of funding right now to deal with, which is one of the reasons we want to pass the Heroes Act.

Many of our State and local governments are struggling right now. That is why it is so important to designate funding as we move forward—and I hope we will soon discuss the Heroes Act—to be able to help pay for elections.

Support from the Federal Government is vital because we have seen States struggle when it comes to administering elections. With fewer than 6 months left before the general election, Congress must act now to ensure that States have the resources and funding that they need.

A lot of times you hear: Well, it is only 6 months, so why would we do funding now? Look at the fact that we were able to at least assure the States that the money was going to be out there for them a few months ago for the primaries, and they were able either to spend their own money because they knew that money was coming or to spend designated money. That is how this works.

We are no longer in a normal situation. We are in a situation where States are having to rearrange how they do elections all over the country to make it safe and to allow people to vote from home. We have seen the

chaos and disenfranchisement that will happen if we don't act soon.

The Wisconsin primary will forever be etched in the memory of our Nation. Voters stood for hours in the cold and rain, wearing garbage bags and homemade masks, just to be able to exercise their right to vote. In Milwaukee, there were just five polling locations open instead of the usual 180. Almost 600,000 people live in Milwaukee, including one-third of that State's African-American population. The closure of so many polling places made it even harder for people without easy access to transportation to get to a polling location, and it caused unnecessary crowding, with lines to vote wrapping around blocks. As a result, voters were disenfranchised, and some even contracted the coronavirus. According to local health officials, nearly 70 people in Wisconsin who either voted in person or served as poll workers contracted the virus as a result of that election.

Earlier this month in Georgia, thousands of people went to the polls and were also met with long lines and confusion. Reports from Atlanta indicate voters faced malfunctioning machines, and some voters never received the mail-in ballots they requested. Instead of being able to safely vote from home, many were forced to show up in person on election day. I was particularly struck by the words of Anita Heard, an 80-year-old woman from Atlanta who actually marched with Dr. King. She was the first person in line at her polling location at 6 a.m. waiting to vote this year. Anita called the long lines and waits unfair and ridiculous. She is right.

In Fulton County, one voter, who is a mom, sat on a lawn chair holding her infant son in one hand and umbrella in another. She waited more than 3 hours to vote. She wasn't leaving because it was important to her and her son that one day she would be able to tell him she waited to vote for him.

In America, people should not have to wonder if voting machines will be operational or if they are going to be able to receive their ballot on time to make it count.

Jose Andres—the remarkable chef who helps feed people in areas struck by natural disasters—announced a plan to provide food, water, and resources to help people standing for hours in line on election day. He is doing his part to address this issue, as are so many people across this country, including, as I mentioned, Democratic and Republican secretaries of state and Governors.

I appreciate that Senator BLUNT, the chairman of the Rules Committee, is here. As I said, he worked to help us get that initial funding. Experts have warned that today in Kentucky we may see a repeat of the chaos that we have seen in early primaries. Reports indicate fewer than 200 polling places are open in the entire State, down from the 3,700 in a typical election year. We are glad that Kentucky has voted by mail

and a number of people have voted from home.

I think we also know, just based on what we have seen in these other States—this is just based on facts, not on partisanship—that 200 polling locations in a State of that size will not be enough in the primary and certainly will not be enough in a general election. In order to protect the right to vote, we have to learn from States that are taking steps to make voting safe and easy.

Primary turnout this year has broken records in many States, especially when it comes to voting by mail. States like Nebraska, Iowa, South Dakota, New Mexico, Idaho, West Virginia, and North Dakota have all held successful elections this year by relying heavily on voting by mail. Again, that is in a primary where some of these States have fewer voters—not all of them—because they are smaller population States, and many of them are not dealing with a general election.

In West Virginia, mail-in ballots increased from just 25,000 in 2018 to over 200,000 this year. In Pennsylvania, the number of mail-in ballots cast increased from 80,000 in 2018 to over 1.5 million this year. Voters and election officials across the country in Red States and Blue States are turning to casting a ballot from home.

In addition to the five States that already hold their elections mostly by mail, which are Utah, Oregon, Colorado, Hawaii, and Washington—and I note that those States are not all Blue States, including, particularly, Utah, and Colorado, which is known as a Purple State—three States, including California, Nevada, New Jersey, and also the District of Columbia have decided to send all voters absentee ballots for elections this year. There are 13 States that have decided to send all voters absentee ballot applications.

These decisions weren't made, as I note, on a partisan basis. Both Republican and Democratic officials in States have decided to implement these policies to protect their voters.

I will also note that none of the five States that held their elections primarily by mail this year have had major voter fraud scandals since transitioning to vote by mail. As the New York Times editorial board announced, States who use vote by mail encountered essentially zero fraud.

Oregon, the pioneer in this area, has sent out more than 100 million mail-in ballots since 2000 and has documented only about a dozen cases of proven fraud. Rounded to the seventh decimal point, that is 0.0000001 percent of all votes cast.

We have all seen the President's tweets on this. We know these tweets are meant to hurt our democracy, and people shouldn't fall for it because I just gave you the facts: 0.000001 percent of all votes cast in the States that have been using this forever involved any fraud.

We must set the record straight. I appreciate that Senator ROMNEY recently

noted that nearly everyone, in what he called his very Republican State of Utah, votes by mail, and, in his words, it works very, very well.

Now is the time to reject efforts to undermine our political system and mostly undermining people's attempts to exercise their fundamental right to vote safely. What are you going to tell a veteran who has a preexisting condition, like the guy who wrote me who served in Vietnam and said what is he supposed to do now? We have to allow them to vote from home.

In the midst of this pandemic, we need to make sure no voter has to choose between their health and exercising their right to vote. That is why I am urging my colleagues to support my legislation with Senator RON WYDEN, which is cosponsored by 35 other Senators, the Natural Disaster and Emergency Ballot Act, to help State election officials meet this pandemic head-on.

Our legislation doesn't require us to reinvent how we vote. Instead, our bill would overcome the challenges posed by the coronavirus by expanding existing election practices like voting by mail and early voting. It starts with guaranteeing every American the option to vote by mail. Sixteen States require voters to provide an excuse if they want to cast a ballot by mail. But during the pandemic, 13 of these States are allowing all voters to cast a ballot by mail without needing to provide an excuse—Democratic and Republican Governors and secretaries of states. That is progress.

I would say, while we still have three States that are still denying all voters the option to vote by mail—forcing them to choose between their health and their constitutional right and go through these hoops to do it—why not put a standard in place on the Federal level? That is what our bill does.

Our legislation would also get help to the States. Again, my friend, Senator BLUNT, is here, and I appreciate—while he hasn't put a dollar amount on it, his interest in looking at funding for this beyond this bill, I think, is very helpful.

Our bill called for \$3.6 billion, which is what is in the Heroes Act, of funding to safely administer elections. It would knock down barriers, this bill, to safely vote, like the requirement to have your ballot signed by a witness or a notary. These are requirements that disproportionately hurt minority voters—people without as much money.

There is one story of a person sitting in a hospital room trying to get someone to notarize a primary ballot through a glass window—someone who has coronavirus. Are we really going to require them to do that? Are we really going to do that? That is what you have to ask yourself, colleagues. The bottom line is, it shouldn't be this hard to vote.

I am proud that this bill has been endorsed by more than a dozen organizations, including the group founded by

former First Lady Michelle Obama, including Voto Latino, including the Lawyers' Committee for Civil Rights, the National Urban League, Common Cause, the Leadership Conference for Civil and Human Rights.

As I noted, the CARES Act included funding. It didn't include the standards that I think are necessary but included the funding. That is just the beginning. That was a downpayment—negotiating in the middle of the night. I know that because I was talking to my colleagues back then.

This is the real deal, to be able to help States in the general election. This money was included in the Heroes Act. Public health experts have warned over and over again of the possibility of a new wave of this virus in the fall. We have to be ready. States are having this happen anyway, and we should make sure that they have the funding to do it.

I know we are going to be discussing the National Defense Authorization Act in the next few weeks, at some point. I think about that. Our defense is important, but, remember, this is about the defense of our democracy. The simple idea that this was a democracy; that it is not a dictatorship; that people should be able to go out there and exercise their right to vote no matter how they are going to vote, no matter what party they are going to vote for, and this is the moment—and because of this pandemic, we need to do it.

The last thing I will mention, three polls released in the last couple of months show an overwhelming majority of voters—over 80 percent favor measures to make voting safe and easy. One of the polls conducted in six battleground States showed that 74 percent of voters wanted their Senators to support legislation in Congress to implement voting reforms, including a majority of Republican voters. Think about that. Voters across party lines want Congress to pass legislation that would guarantee the right to vote by mail and provide funding to States and make sure it is safe to vote. That is what this is about.

Again, I thank my colleague, Senator BLUNT, for all he has done and the fact that he was able to work with us when we did negotiate the CARES Act to make sure there was some funding included, as well as I mentioned Senator SHELBY, Senator COONS, Senator LEAHY, and others. Now is the time to prepare for what we have ahead; that is, making sure everyone can vote safely.

Madam President, as in legislative session, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 4033, the Natural Disaster and Emergency Ballot Act of 2020, and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

The Senator from Missouri.

Mr. BLUNT. Madam President, reserving the right to object and with great consideration for Senator KLOBUCHAR's dedication on these issues, many of which, as she has pointed out, we have worked together on, and I think we will continue to, I just don't think this is the time to make this kind of fundamental change.

I will admit that at its very first legislation after the 2018 elections, the House passed a bill, but, again, it was a bill that would provide the Federal Government with unprecedented control over elections in this country, despite the fact that for almost 250 years now, the States have been responsible for this particular government responsibility. To quote yet another time, Senator and then-President Obama, in October of 2016, pointed out that the very strength of our system was the diversity of the system. I think one of the strengths of the system is the amount of local responsibility and local answerability, frankly, for how the system works on election day.

Senator KLOBUCHAR pointed out that we are fewer than 6 months until the election. As a matter of fact, in our committee, I intend to hold a hearing next month on the problems we have seen develop with this move toward more people wanting to vote not at the polling place on election day and how some States have dealt with those problems effectively and how others haven't.

I will also say, to follow up on one of Senator KLOBUCHAR's points, I think funding is one thing. Helping the States help themselves is something I think we can still do. We have done a considerable amount of that up until now, since the 2016 elections, with a big commitment in the CARES Act to make money available for States to regulate their elections and be able to afford to do that. I think we can, will, and should take another look at that, but 6 months before an election is a dangerous time to change responsibility.

I think, to be absolutely clear, that at any time, this is a responsibility that is better done at the local level. But when you implement a new voting system with a big first election, that is a problem.

We saw that in Georgia recently. Georgia was complying with the request that both Senator KLOBUCHAR and I and others had made to get a system in place that has an auditable ballot trail—an absolutely worthy goal. Georgia followed up, but even then, it might have been better if they could have followed up on an election that wasn't quite the same high-profile, high-turnout election that their first experience had.

The responsibility for changing the system is hard enough in the best of times. I think the States have had lots of time. My State and other States

have changed their law to allow more access to absentee ballots in some States—and as a matter of fact, not even absentee ballots. I got corrected by that with one of our election officials the other day. Really, now we call them mail-in ballots. In Missouri, up until now, we always called them absentee ballots. Though, one of the absentee excuses had always been “unable to get to the polls because of health.” But in the mail-in ballot ability, in our State, to eliminate, for some ballots because of COVID-19 or health—eliminate the notary requirement, States have done this. They had a lot of time. They had a lot of notice. Most of them dealt with this. More importantly, if it works, they get the credit. If it doesn't work, they don't have anybody else to blame. They are working really hard because of that to make it work.

The House bill was offered the first time in this body not long after it passed. In March of 2000, I objected, again, to the federalization of the election process—not the assistance, not the help but the federalization of the process.

In May of 2020, the House passed yet another bill. I think that is the bill we are talking about today or something like it. This time, it was a bill that Democrats said would assist States with the pandemic. First, we were going to assist States because of ballot security. Now we are going to assist States because of the pandemic.

There has been a real desire at the Federal level to take over the election process again. I don't think that is a good idea. If it was a good idea, it wouldn't be a good idea 6 months before the election.

The provisions in the new bill are about the same as the provisions in the old bill. They would provide the Federal Government with unprecedented control over elections in this country. This bill represents a one-size-fits-all Federal answer to a problem that I think the Federal Government is not the best place to answer.

The estimated money needs of the States are something I am willing to, and think we should, continue to talk about. But funding to accept the new situation they find themselves in is different than centralizing the process.

Instead of providing States with flexibility to deal with emergency situations, for instance, this bill does just the opposite. This bill tells States how to run virtually every aspect of their election. It takes away authority to the States to determine their own process for voter registration. In fact, it requires all States to institute online voter registration at a time when we are more concerned than we used to be about what can happen to elections online.

This bill tells States how many days of early voting they must have and where the early voting locations need to be. It requires that all States accept online absentee ballot requests. You

have online voter registration. Then you have online absentee ballot requests and offers the requirement for no-excuse absentee ballots, which I guess, according to my friend, the election administrator, would be mail ballots. I am going to get better at explaining that phrase. It tells States how and when their ballots must be delivered. It tells them when they have to be counted. It requires States to permit ballot harvesting.

Ballot harvesting is the only thing, I think in a decade, that a candidate elected to the House of Representatives was not seated because the House—this House, the current House of Representatives—decided that ballot harvesting was the reason that person shouldn't be seated; that people went around, collected ballots, apparently decided which ballots they were going to mail in and which ballots they were not going to mail in—if you look at the House determination that this person wasn't lawfully elected. But this bill actually requires States to allow individuals to go and collect ballots and turn them in, in groups rather than some other way.

If States want to do that, they can do that. But apparently, it was not good enough to seat a Member of the House of Representatives from my party. It tells States how they must authenticate their ballots. It prohibits them, however, from using any form of voter identification to authenticate who the person is. It tells States what kind of envelopes they have to use to put their ballots in.

What doesn't it do? It doesn't recognize, again, that for almost 250 years, States have successfully run elections in this country. If the returns were in question, the people who were the local election officials and the State election officials were the people who were questioned. There was no ability to say "Well, that is out of our hands" or "Well, we don't really have anything to say about that. Some person in Washington tells us what we have to do about that."

States have successfully run elections during national disasters. States have successfully run elections during pandemics. States have successfully run elections during wartime.

On March 3, 2020, on Super Tuesday, early that morning, a tornado struck three counties in Tennessee. Election officials were able to use the flexibility they had as State officials to, No. 1, adjust the polling location and, No. 2, move election equipment and carry out the primary election successfully and without challenge. None of that, in my view would have been allowed if this bill had been in effect.

Similarly, in response to the pandemic, many States, as I suggested Missouri has, have changed their law and looked for ways to make this process work. They have had a chance to try—in most cases already in the primary or in some other elections, States have changed their primary dates; they

have expanded absentee balloting; they have expanded early voting; they have altered polling place procedures to ensure cleaning and sanitizing; and they have worked to recruit more workers.

This bill, in my view, doesn't acknowledge the important responsibility and answerability that local and State officials have on election day. That was a job I had for about 20 years, part of that as the chief election official in the State. I will just state that on election day nothing is more important than voters feeling like their vote was cast in the right way and counted in the right way, and there was nobody but me to blame at the county level and then again at the State level if that didn't happen.

So I think my friend Senator KLOBUCHAR's comments are well-intended and well-motivated. I just think we have a fundamental difference on who makes these decisions. I would recommend to all of my colleagues that if we ever make these kinds of changes, we should make them long before 6 months before a Presidential election. If this bill were law, State and local officials would not only lose the flexibility they now have, but they would have a new place to pass the buck.

This is one of the desks that Harry Truman used on the Senate floor, and he didn't have a "pass the buck" symbol yet, but he famously had behind his desk, as President, a sign that said "The buck stops here." On these issues, the buck stops with the person you have chosen locally and statewide to run your elections. I think that continues to be the best course for us to follow.

Madam President, I object.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I want to thank my colleague for his work and his friendship. We obviously don't agree on every aspect of this. I did enjoy hearing his desk story. I didn't know he had Harry Truman's desk. When I got to the Senate, I asked for the desk of Hubert Humphrey, the "happy warrior," and about 8 months later, the desk arrived, and they had accidentally given me the desk of Gordon Humphrey, the former Senator from New Hampshire, and I had it for quite a while. In a new Senate, I one day opened up the desktop and saw that they had replaced it with the desk of Hubert Humphrey. So I would give these comments in the spirit of the "happy warrior"; that is, while you and I disagree on setting these standards, at this moment I think we should; I think if not now, when?

When it comes to things such as not having notaries for getting a ballot and things like that, I am heartened by the fact that, No. 1, we have a hearing, which has been asked for—I think it is really important, and I appreciate that—on this upcoming election.

No. 2, you continue to be open to discussing with me and with the Appro-

priations Committee the funding as we go into November. I think that is really going to be important for all voters, whether in red, blue, or purple States. We know that so many people vote by mail, including the President of the United States with a ballot from Palm Beach, FL. We all want to have that ability and make sure people in our States have an ability to either vote by mail or vote safely at the polling places this fall.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

THE JUSTICE ACT

Mr. BARRASSO. Madam President, I come to the floor today on the eve of what should be a routine vote in the U.S. Senate. Tomorrow the Senate is scheduled to vote on a motion to proceed to the justice reform legislation that we ought to be considering in the U.S. Senate.

It is important to point out to the American people what that means. This isn't a vote yet on passage of the bill. It is not a vote to end debate. It is not a vote to amend the debate. Any Senator can amend, vote no, or offer different substitutes for the bill. This isn't any of those things. The motion to proceed is a simple and rather routine agreement to begin debate on a bill. Yet, here we are. It has turned out to be anything but routine.

Senators on the other side of the aisle in this very Chamber are threatening to filibuster the motion to proceed—filibuster even allowing us to debate a bill of great importance to the Nation.

In terms the American public might better recognize, the Democrats are threatening to filibuster the very issue—the very issue—that they claim to care about. If you listen to them on television, if you see them in the streets, talking to groups, they claim to care about it. Welcome to the bizarre world of partisan politics and bankrupt leadership on that side of the aisle.

On the same day that the minority leader will come to the floor to urge the Senate to pass justice reform legislation, he will also attempt to rally his Democratic caucus to block even starting a debate, and they seem to be following him, refusing to even debate an issue which is so key in the minds of the American people. He is telling his Members to filibuster the bill.

Madam President, the JUSTICE Act deserves a debate. It deserves a debate for the American people to see and to hear and to watch on television. The American people deserve that. What they don't deserve is partisan obstruction. What they don't deserve is a filibuster. They need a debate. Amend the bill if necessary and then pass it. We want to try to stop what happened to George Floyd—a murder that we all witnessed—from ever happening again in America.

The American people know that. They took to the streets, and now they

are turning their heads to Washington, to the Capitol, and saying: What can you do to make sure that something like this never happens again?

We have a bill that addresses all of these issues, a bill that is ready to come for a debate. Yet, again, the Democrats are threatening and are likely tomorrow to vote one after another after another to go up and vote no to even beginning debate on the bill.

Incredibly, they began knocking this bill authored by Senator TIM SCOTT of South Carolina with many of us as original cosponsors—they began knocking this bill before they ever read it, before they knew what was in it. They attacked it before it was released. While the bill was still in the process of being written, they were attacking it. Then Senator TIM SCOTT unveiled the legislation, and almost immediately the Democrats decided to agonize over whether to block it. They were agonizing over allowing a debate on the floor of the U.S. Senate—agonizing over a debate. I mean, you could hear them in the halls: I don't know. Should we get on it? Shouldn't we get on it?

What was the issue? Racial justice. We need to be focusing on that and discussing it and passing meaningful legislation that will make measurable progress. It shouldn't be a tough call.

Senator SCHUMER came and said: We should have a bill on the floor by July 4. Here we are; it is before July 4. We brought the bill. It has a 70-percent overlap and agreement with what the House has to offer.

Here we are, yet Senator SCHUMER is telling his Democrats to line up, one by one by one, and say: No, we don't want to debate or even discuss your bill even though it has a 70-percent overlap in agreement with what the House of Representatives is offering as a meaningful solution to a concern that all of us have.

I don't say this often, but Senator SCHUMER ought to listen to NANCY PELOSI because the Speaker knows we are not that far apart. The Pelosi and the Scott bills share many of the same goals—much of the same underlying legislation. Senator SCOTT says that they agree 70 percent of the time on the issues. At one point, Speaker PELOSI said that she would love to go to conference with what we have going on in the Senate. The Wall Street Journal, last Wednesday, published a chart, and it showed just how similar the two bills are—the JUSTICE Act in the Senate and the bill that the House is working on as well.

The Scott bill ensures that both African-American communities and law enforcement communities are protected. This is precisely why the JUSTICE Act can and should become law. Without a doubt, this is our Nation's best chance for change—best chance in 25 years. It is the best chance to put the 1994 Biden crime bill in the rearview mirror. It is a chance to pass meaningful reforms and a chance to make a law that actu-

ally makes a difference—a difference in communities all across the country and in the lives of people all around America.

So Democrats will be asked to vote tomorrow, and they have a choice to make. They can continue to filibuster, to say "No, no, no, we don't even want to get on the bill to debate it" or to offer amendments to improve upon it, to look for common ground. Or they can do what apparently they want to do, which is to continue the status quo, which is not what we need in America today. They ought to be embracing bipartisan reform.

The JUSTICE Act is not—as one Democrat on this very Senate floor sadly described—a token. That is what he said on this Senate floor. This reform bill is serious. This reform bill is significant. This reform bill is substantial, and we should pass it. At a minimum, we should at least debate it on the floor of the U.S. Senate.

Democrats plan to filibuster simply debating the bill. They should be held accountable by the very American people that they claim they are looking to help—claim they are looking to help. Well, they have an opportunity to help all American people when we vote tomorrow.

So I urge my Senate Democratic colleagues: Do not filibuster this historic bill. This is a wonderful opportunity to move our country ahead. We can build on the progress of the last 4 years—opportunity zones, permanent funding for historically Black colleges and universities, the FIRST STEP Act. Let's build on this record. Let's debate it. Let's amend it as we see fit, and then let us pass the JUSTICE Act and send it to the conference committee that Speaker PELOSI talks about, and then send a bill to the President of the United States and have it signed into law and help our country move ahead.

Thank you, Madam President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for as much time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTESTS

Mr. ALEXANDER. Madam President, the late historian, Arthur Schlesinger, Jr., said this: "Self-righteousness in retrospect is easy—also cheap." The late Samuel Huntington, who was a Harvard professor of U.S. history and politics, wrote, in effect, that most of our politics is about setting great goals for ourselves—we, the American people—and then the struggle we have

with the disappointment we feel when we don't reach those high goals, like "all men are created equal."

Ben Hooks, who was from Memphis and a well-known citizen of our State and a good friend and once president of the NAACP, used to tell his students at the University of Memphis:

Remember that our country, America, is a work in progress. We've come a long way, but we have a long way to go.

It is in light of those three comments that I would like to discuss the effort that some people made last night to tear down President Andrew Jackson's statue in Lafayette Square across from the White House.

I believe it is always appropriate to review the monuments and the places that we name to see if there is a more appropriate name in the context of today's times. For example, in this Capitol, every State has two statues. From Tennessee, it is Andrew Jackson and John Sevier.

Senator BLUNT, who is the chairman of our Rules Committee, tells us that, at any given time, some of those statues are in rotation because the State of Mississippi or Tennessee or Oregon or some other State may have decided, instead of those two individuals, we would like to send up another statue. We would like, in the context of today's times, to name somebody else.

As we think about statues that are already named for generals in the Confederacy or the Union—a war that was fought a long time ago—it is appropriate, I think, to keep in mind that we have had a lot of wars since then: two World Wars, Korea, Vietnam. We have had a lot of very distinguished generals. We have had courageous Congressional Medal of Honor winners. Maybe in the context of today's times, there is a place for Camp MacArthur or Camp Eisenhower or Alvin C. York, who is a Congressional Medal of Honor winner and hero from Tennessee. It is always appropriate to review the places that are named and the monuments we put up to see if there should be a better name or a better place for a monument in the context of today's times.

But what about Andrew Jackson, whose statue is one that the State of Tennessee has sent here, whose statue is of him on a horse outside the White House at Lafayette Square? The similar statue is in Jackson Square in New Orleans. What about Andrew Jackson? Let's make the case for Andrew Jackson.

Presidential historians, almost without exception, put him in the top 10 of America's Presidents. They see him as the sophisticated, often subtle political actor that he really was. What they realize—and, unfortunately, what only dedicated students of the American Presidency often realize—is that Jackson was arguably the most important American President between Thomas Jefferson and Abraham Lincoln because, much like Lincoln, he preserved the Union. If not for Jackson's devotion to the Union against his own local

political interest, the Union might well have fallen apart in 1832 and 1833.

Jackson risked everything to keep our Union together instead of siding with South Carolina's U.S. Senator John Calhoun's doctrine of nullification. When a serious conflict of crisis arose, when South Carolina decided that, following Calhoun's doctrine of nullification, it could decide which Federal laws it could follow, it was Jackson who stood up and said: Our Federal Union must be preserved and Jackson who had the political will and the skill to make sure it was preserved. Jackson's decisions as President gave us an additional three decades to form what Lincoln eventually called "the mystic chords of memory" in his first inaugural address. Surely—surely that is worth recognition.

Andrew Jackson was our first non-aristocratic President. When he was born in 1767, it was not possible or plausible that the young boy, orphaned at 14, could someday rise in an emerging Republic. Jackson wasn't born rich. He wasn't born into privilege. He fought for everything he had, and he rose to our government's highest office through the sheer force of personality and political courage. That is the case for Andrew Jackson.

Let us also recognize that Andrew Jackson was not perfect. In fact, he was at the center of the two original sins of this country: slavery and the treatment of Native Americans. But if we are looking for perfection, we are not likely to find it in American history or the history of almost any country or in human nature.

The historian Jon Meacham, who won a Pulitzer Prize for his biography of Jackson and who wrote a biography of Thomas Jefferson, said that when Jefferson wrote the words, "all men are created equal," he was almost certainly writing about all White men. Those were the context of the times for Thomas Jefferson.

So what do we do about Jefferson if he was writing that all White men are created equal in the context of those times? What do we do about Jefferson, who—the only slaves that he freed, apparently, were those that he fathered with his slave mistress, Sally Hemings? What do we do about George Washington and Mount Vernon and the slaves that he owned? What do we do about Abraham Lincoln, who some people say was slow to act on emancipation? What about Franklin D. Roosevelt and his internment of American citizens who were Japanese in camps during World War II or, more recently, what do we do about Bill Clinton, who signed the Defense of Marriage Act, which would not be in the context of today's times, if two recent Supreme Court decisions are to be followed, as they will be?

Let's not just pick on our Presidents. What are we going to do about the Congress, the Senators, and the Members of the House? They approved the Trail of Tears, Andrew Jackson's removal of

the Cherokees to Oklahoma. The Congress did. And they approved the laws requiring segregation. Congress did. And what about the people who elected the Congress? They approved those Members of Congress who approved of segregation, who approved of the internment of Japanese in camps.

What are we going to do about us, the people of the United States? Do we pretend that we didn't exist during that history, when decisions were made that we would not make today or we would not approve of today, some of which would be abhorrent today? Do we try to burn down all the monuments, burn down Mount Vernon, burn down the Jefferson Memorial, Hyde Park, home of Franklin D. Roosevelt? Do we try to erase all of that from our history? That is not what we should do. We should not try to erase our history. We should not try to pretend it doesn't exist. We shouldn't ignore our history.

Here is what I think we should do. No. 1, as I said earlier, recognize that it is always appropriate to review the places that we have named or the monuments that we put up—just like the monuments of States in here—to see if there is a more appropriate monument or named place that is appropriate in the context of today's times. Remember, as Ben Hooks said: America is a work in progress. It is always changing, and our monuments or the places we name can change with that. That is an appropriate, healthy exercise to go through. That is No. 1.

But, No. 2, with the history that includes things we today abhor, we should try to learn from those things and build a better future. Let me give an example.

Each year, I bring onto the floor of the Senate teachers of American history who have been selected to attend the Academy for Teachers of American History that I helped to create when I first came to the Senate. I thought it was important to learn American history so children can grow up knowing what it means to be an American.

When they come to the floor, they look for the various desks because the desks of the Senate are what best describe them. They will go to find Daniel Webster's desk, which is still there. They will go to the back over there and find the desk that the three Kennedy brothers used, where they sat. The ones from Tennessee will come here because Howard Baker had my desk and so did Fred Thompson, the desk I now have. They are interested in the desks of Senator McCONNELL and Senator SCHUMER because they are the leaders, and they go to Jefferson Davis's desk.

Jefferson Davis was a U.S. Senator who had a great deal to do with the building of this Capitol. But he, like many other U.S. Senators in the South, resigned from the Senate and joined the Confederate Army. Jefferson Davis became President of the Confederacy.

When I take them to Jefferson Davis's desk, these teachers of American history, this is what I tell them;

that there is on that desk what looks like a chop mark. The story that is told is that it was created by a Union soldier who came into this Chamber when the Union soldiers occupied Washington, DC, and began to destroy the desk of a man who was the president of the Confederacy, Jefferson Davis, until he was stopped by his commanding officer, who told him: Stop that. We are here to save the Union, not to destroy it.

What do we do with Jefferson Davis's desk? I say keep it there. I say to learn from it, to learn from the fact that there was a Civil War; that there was a Confederacy; that Senators left this body; that Union soldiers were here; that one wanted to chop it up and another one would say, his commanding officer: Let's bring a better future. Stop that. We are here not to destroy the Union but to save it.

There are lessons in American history. There are lessons that we should learn. The lesson of Ben Hooks: We are a work in progress. We have come a long way. We have a long way to go; the lesson of Samuel Huntington, that most of our politics is about setting high goals for ourselves, that all men are created equal, and then dealing with the disappointment, struggling with the disappointment of not reaching those goals, deciding what to do about it.

Do we dishonor Andrew Jackson's effort to keep our country together between Jefferson and Lincoln? Do we dishonor Thomas Jefferson's eloquence? Do we dishonor George Washington's probity in character or Lincoln's courage or FDR's grand leadership during World War II all because they weren't perfect, all because they did things and lived things and said things that today we wouldn't say? I think not. Doing any of this would be a terrible misunderstanding of American history and of human nature. It would be ahistorical.

In his first inaugural address, Abraham Lincoln appealed to the better angels of our nature. If there are better angels of our nature, I guess that means there must be worse angels in us as well, not just in Washington and Jefferson and Jackson and Roosevelt and great men or great women but in all of us. There are the better angels, and there are the worst angels. In this country, our goal is to bring out the best in us, which does not mean ignore the worst.

We need to be honest about our weaknesses. We need to be proud of our strengths. We need to learn from both to create a better future for the United States of America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT of South Carolina. Madam President, I ask unanimous

consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUSTICE ACT

Mr. SCOTT of South Carolina. Madam President, I come to the floor to continue a conversation, a dialogue, about the importance of moving forward on the motion to proceed on the JUSTICE Act.

It was just an hour and a half ago, in front of the entire press corps, when I, Leader MCCONNELL, and the leadership team on the Republican side had a very open conversation with the press about fact that voting for this motion to proceed is voting for an open process. He said—and I agree—that this process must be open. I have asked that we have amendments, and the leader has said yes.

So, to my friends on the other side who believe that somehow—in some way—this does not include an actual open process, wherein you have a chance over several days, in the sight of the public, to talk about and offer your amendments, that is wrong. If you want a process whereby you will have an opportunity to persuade those in this body and the American people about the value of your amendments, this motion to proceed is a motion you should vote for. More importantly, rather than persuading the American people that this is a motion to proceed that you should vote for, if you really want to get into police reform, we will need a vehicle with which to get there. The JUSTICE Act is that vehicle.

Speaker PELOSI herself said—and I do not often quote Speaker PELOSI or even paraphrase Speaker PELOSI about something that she and I might agree on, but I agree here—that it would be important for us to have a conference, which would require this body to pass legislation. Then it would go to conference with the House. The only way we will pass legislation in this body is for there to be a bipartisan coalition of Republicans and Democrats, working together, because a majority of the Senate is not 51 out of 100. From a legislative purpose, the majority of the Senate is 60 votes. That means we require 60 votes to even start the process of saying to little boys and girls in communities of color around this country: We see you. We hear you.

I grew up in some impoverished communities and in a single-parent household—mired in poverty. I understand how it feels to leave your home, get in a car, and be afraid of being stopped. I get that. I have spoken about that too many times already. What I will say is that this body has a chance to say to those kids: We see you. We hear your concerns.

A motion to proceed is simply a procedural motion that says: Let's debate the underlying bill. Let's have a conversation in front of all of the American people about the importance of doing police reform the right way. If you don't trust the Republicans or if

you don't trust the Democrats, you get to watch the process play out right here, within the world's greatest deliberative body—you can watch it play out right here, live on C-SPAN—and come to your own conclusions about the seriousness of this issue. Yet if we miss that golden opportunity—if we miss the opportunity to debate the underlying issues—all you will wind up with will be talking points and campaigns.

You see, some believe that one side would rather campaign on police reform than solve police issues. I believe that both sides of the aisle have vast majorities of people who are willing to come to the table to have a serious debate on the underlying issues that have brought combustion into this Chamber and solve them, not have them explode. All of us do not have to tackle the issues like I did when I was 16 and 17 and 18 and 25 and 26 and 30. We are all here now on this sacred ground, and we have the ability to say to that young man and to that young lady: We didn't just see you. We didn't just hear you. We acted on it. By doing so, I believe we can make a difference in the lives of Americans whom we actually save.

There have been some criticisms. I sat in my office and listened to some of the criticisms about our JUSTICE Act by my friends on the other side. One of the criticisms was that the JUSTICE Act does not require new reporting measures on use of force. What? I sat in my office, speechless, because our legislation absolutely, positively, unequivocally requires more information. The House bill has a 10-percent penalty, and our legislation has a 20-percent penalty, or twice the penalty.

I heard that our legislation does not ban no-knock warrants, which is critically important because, in Louisville, KY, the conversation around no-knock warrants took a drastic turn in the wrong direction that led to the killing of Breonna Taylor. My friends were talking about how the House bill—their bill—bans no-knock warrants in drug cases, but when you open the legislation and read the pages, what it does ban are no-knock warrants for Federal agents. In Louisville, KY, those were not Federal agents. So the complaint and the concerns about what actually helps situations in places like Louisville, KY, aren't answered by the House bill.

I will be honest. In our legislation, we want to get the data around no-knock warrants so that we can actually direct the resources and the decisions in the right way. So, yes, you could say ours allows for a more deliberative process. Well, let's debate that, and let's come to an agreement.

Next, I heard that the JUSTICE Act would not end choke holds and that their legislation would actually ban choke holds. Let's take a closer look. That is false. With strict penalties facing local police departments, they go after choke holds by holding off on grant dollars for local agencies and

State agencies. Our legislation does the exact same thing. We go after local departments and State agencies by withdrawing some grant dollars.

What theirs says about the ban on choke holds applies only to Federal agents. That is really important. Why is that important? When you are watching at home, you hear there will be a ban on choke holds, but you don't necessarily make the correlation or have the information to reach the conclusion that they are talking only about Federal agents. Why is that important? Because Eric Garner's was not an incident with a Federal agent. It was not.

For 700,000 of the 800,000 law enforcement officers, the ban would not apply. That is really important information to share with the American people. Why is this so? It is called the Constitution. It is a pesky, little thing sometimes, but it is a fact. The Constitution does not allow for the Federal Government to dictate to those in local law enforcement what they can and cannot do. So they use the inducement of resources at the Federal level.

I talked to 10 Democratic Senators today, and I told them all the same: Let's get on the floor and amend the bill and see what happens. By the way, our legislation says the same thing. We instruct the AG to figure out how to ban it for Federal officers, and we reduce money and take money away as a penalty for those departments that have not banned choke holds.

The President's Executive order says that the certification process must include being certified by a governing agency that doesn't look favorably on choke holds. So whether you are in the House or whether you are a Senate Democrat or Republican or are in the White House, we are all closing in on the same outcome.

Here is what may be just as important as the distinctions that, I hope, I have cleared up as to the differences that are not necessarily the biggest differences on the important issues of what they said this morning was not what we were doing. I think selling something is important, but you can sell by manipulating or you can sell by motivating. I want to be clear that our legislation says what it says, not what others say it doesn't say.

Why am I so passionate about this issue? Beyond my 18 stops as a person of color, beyond my issues here in the Senate, beyond the fact that I am the one who grew up in poverty, in a single-parent household—beyond that point—in my legislation, which is the Senate Republican legislation, and the House legislation, there is so much common ground on which we can work, and to lose this moment for the kids and the young adults who are watching this process would be terrible. Let me give you a couple of examples of what I mean by the things that we have in common.

Both sides agree on more deescalation training and on duty-to-intervene

training. Both sides agree on ending choke holds. Both sides agree on passing anti-lynching legislation. Oh, by the way, I and Senator GRASSLEY—the then-chairman of the Committee on the Judiciary—worked with Senator HARRIS and Senator BOOKER to get it passed not once in this Chamber but twice. It stalled in the House before it stalled over here. We got it done twice, and it is another area of agreement. Both sides agree on the importance of more minority hiring in law enforcement. Both sides agree that more body-worn cameras are a good thing. We actually go further and have penalties for not having the body cameras on, but both sides agree. Both sides agree on the creation of a National Criminal Justice Commission, which, by the way, was the No. 1 recommendation of President Obama's Task Force on 21st Century Policing.

So why can't both sides agree on a motion to proceed? If there is that much commonality in the underlying legislation, if we are all watching the same pictures that we have all found disgusting and unbelievable, why can't we agree on tackling the issues in a substantive way here on the floor of the world's greatest deliberative body? That is what we are supposed to do here. We debate the issues. I want the Nation to see; I want the public to see; I want the world to see; I want all of America to see our debating this issue. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, across the country, there has been a national outcry for justice and for real changes in law to address police brutality and reflect the undeniable truth that Black lives matter.

This week should be our opportunity in the U.S. Senate to come together—Republicans and Democrats—to begin to fix our broken policing system, which is what so many people in big cities and small towns in Oregon and in every State across America are demanding of us. Yet, instead of allowing that kind of bipartisan discussion, Leader MCCONNELL is plowing ahead with partisan business, as usual, on a bill that falls very short of what the Senate ought to accomplish.

I see my friend on the floor, Mr. SCOTT, the distinguished Senator from South Carolina. I want to make it clear that I have great respect for Senator SCOTT. He is an important member of the Senate Committee on Finance, on which both of us serve. I appreciate every opportunity to work with him. In fact, I think a fair number of people around the country will note the work we have just done in the last few weeks on nonprofit organizations. So we will be working together, I know, in the days ahead.

Unfortunately, the majority leader is giving short shrift to this debate on ending systemic racism by putting forward an inadequate bill and essentially daring the other side to oppose it. That

is not the way you bring together both sides to address big, important national challenges.

Let me take just a few minutes to talk about some of the specific shortcomings of the legislation that Senator MCCONNELL wants to bring to the floor. For example, how can 100 Senators not agree that choke holds are wrong and ought to be banned? That is what my Democratic colleagues and I have called for: a nationwide ban on choke holds, period—full stop.

The Republican bill does not take that same strong, firm position. In my view, you cannot equivocate when it comes to a reform as basic as banning the choke hold. Anything short of a ban creates loopholes for the use of choke holds, and that is the wrong way to go for our country.

Second, this bill doesn't create any real accountability for police misconduct. It doesn't set up independent investigations for prosecutions of police abuses. It doesn't create national standards for law enforcement. It does not end qualified immunity.

Those issues are right at the center of the challenge of reforming policing in America, and they are the issues the American people want to see addressed head-on.

A lot of what the majority's bill—Senator MCCONNELL's bill—does with respect to police conduct is essentially collecting data. Nobody is protesting collecting data. What people are protesting on is they want to save lives. The Senate ought to do better and make those real changes that improve public safety.

Third, the extreme militarization of our police forces in recent years. It is actually an issue that goes back more than a few years, but the danger of a military mindset in domestic law enforcement was never more clear than when Trump officials started talking about “dominating the battle space.”

Our communities are not war zones; our citizens are not enemy combatants; and our police officers should not be occupying forces, so why has the United States undergone this years' long military mobilization on its own streets, against its own people?

It is long past time for this to end and for all our communities to institute 21st century community policing policies, but the Republican bill does not do that either.

The truth is, Senator SCOTT's bill does take a few good steps, like establishing the duty to intervene and making lynching a Federal crime. Those are issues that I and other Democrats would like to work on with Senator SCOTT on a comprehensive bill, but that is not what Senator MCCONNELL has put on offer this week.

My concern is that if the Senate takes up the McConnell bill, it is going to just be business as usual under the Republican leader: a short debate cut off arbitrarily, not enough votes, and not enough improvements to the actual bill. I just don't believe that, when mil-

lions and millions of Americans are demanding more, that business as usual is somehow acceptable.

That video of the murder of George Floyd at the hands of police stirred a part of America's national consciousness. There have been peaceful protests in all 50 States over the last few weeks calling for us to stamp out racial injustice—people of all ethnicities, of all ages, all genders. It has been a rare display of common purpose and common engagement in America.

As Senators, we have an obligation to respond to that call with something significantly better than business as usual. I know that Senator SCOTT wants to get there. I know that my Democratic colleagues and I want to get there.

I am proud to support Senator BOOKER and Senator HARRIS, who have been doing outstanding work on this issue, and I know that, regardless of the outcome of tomorrow's vote, we are going to keep working.

As for this week, the Senate would be wrong to just rush this process and just check the box with a partisan process, a partisan approach, before shrugging its shoulders and moving on to the task of dealing with more far-right judges.

So I am going to vote against cloture. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Minnesota.

VOTING

Ms. KLOBUCHAR. Mr. President, I rise today and thank my colleague from Oregon and also thank him for his work on the voting bill. We just had a discussion with Senator BLUNT about that, and while we didn't agree on the bill, there is a discussion that is ongoing—as we head into another COVID package, possibly, which we really believe we need to—on working on some funding issues for the States as we look at more and more balloting from home and how important that is.

I want to thank Senator WYDEN for his leadership for so long on that issue. I brought up his home State in a speech about an hour or so ago and the work that Oregon has done with ballot-by-home and, I think, ballots from home.

I actually think I used the number of percentage of fraud as 0.0000001, or something like that, to show that what the President said is not true; that we have had, actually, in many States across the country—including Utah, a redder State—a big success with voting from home.

JUSTICE IN POLICING ACT

Mr. President, I rise today on another matter, and that is to urge the Senate to consider meaningful, comprehensive legislation to make systemic changes to our justice system that will save lives—save lives in the Black community and save lives in all communities of color that have experienced injustice for far too long.

I am deeply concerned that the bill on the floor this week fails to meet this moment. It has been nearly 1 month since George Floyd was murdered in my State. We all watched as his life evaporated before our eyes. It was a horrible thing.

People who watched it, whether they were in law enforcement or whether they were just regular citizens who saw this, it hit home to many of them for the first time—and many of them, sadly, in the African-American community for many, many times before that—how truly unjust this is and how immoral this is.

His death was horrifying and inhumane, and it galvanized a nationwide movement for justice.

As Members of the U.S. Senate, we have a responsibility to respond to that call with action, and that means, when you have systemic racism, that you must address it with systemic change.

Some of that is happening in our State and local governments. That is a good thing. But some of that must also happen here. This is not just an issue for one city or one State—my home State—nor is it an issue at just the local level. There is a lot of work that needs to be done at the local level, and that has been acknowledged by mayors and police chiefs across the country.

There is also really important work that we must do here. I was proud to join my colleagues in introducing the Justice in Policing Act, led by Senators BOOKER and HARRIS, which makes comprehensive changes to our justice system that are long overdue.

These reforms—including police officers being held accountable for misconduct, reforming police practices, and improving transparency—will be good for our Nation. The Justice in Policing Act will help to prevent more tragedies like those we have seen—prevent murders.

It is widely supported by groups like the NAACP, the Leadership Conference on Civil and Human Rights, and the National Urban League.

The House is expected to pass the bill this Thursday. Then it comes over here. But instead of taking up that bill, the Justice in Policing Act, Leader MCCONNELL has brought a different bill to the Senate floor: the JUSTICE Act.

My problem with it is, despite the name and despite a lot of the words that we are hearing on the other side, it doesn't get us to where we need to be. In this moment, as people are still marching and demanding change, we cannot confront these urgent issues with half measures or equivocation.

I have serious concerns that this bill does not respond to the nationwide call for justice. Unlike the Justice in Policing Act that is going to pass the House, the bill we are considering here in the Senate lacks critical reforms to strengthen Federal pattern-and-practice investigations, a reform that is urgently needed after we all saw the video of the police officers standing right next to each other with George

Floyd pinned down—pinned to the ground.

I have called on the Department of Justice, with 26 other Senators, to conduct a full-scale investigation into the patterns and practices of the Minneapolis Police Department, and any bill that we consider should make sure the Civil Rights Division has the authority and the resources they need to conduct a thorough investigation.

By the way, our calls have still gone unheeded. During the Obama Justice Department time period, 25 of these cases—pattern-and-practice investigations—were brought. During the Trump Justice Department time period, just one unit of the Springfield, MA, Police Department went through a pattern-and-practice investigation.

I don't know what more proof we need than the fact of the video and the fact that there were other officers standing nearby, the fact that we have called for this with 26 Senators but, still, we await any final word from the Justice Department.

They have informed us that they are still looking at this, but in the meantime, our Department of Human Rights in the State of Minnesota is stepping in to fill the void. I don't think that is the ideal way to do it. You would like a Justice Department that has experience doing this in other jurisdictions, but our State's Department of Human Rights is now stepping in and conducting its own pattern-and-practice investigation.

The bill on the floor fails to help States conduct their own investigations, as I just mentioned, to address systemic problems in culture, training, and accountability at police departments, like what the Minnesota Department of Human Rights is now conducting. By the way, with the proper resources and the experience they are gleaming from former Justice Department officials and the like, this is one way to handle some of this, in addition to the Justice Department.

At a time when our Justice Department has failed to take up these investigations, this provision that is in the Justice in Policing Act is even more critical.

We must also take action to put an end to practices that unnecessarily put people's lives at risk. I worked with Senator GILLIBRAND and Senator SMITH of my State on provisions in the Justice in Policing Act to ban Federal law enforcement officers from using choke holds and other neck restraints and to prohibit States from receiving certain Federal funding unless they have passed laws to ban these practices.

We have used this method in the past, and if there is significant funding attached to it, States will react.

The bill on the floor this week from our Republican counterparts only bans certain types of choke holds—those that restrict airflow but not blood flow—and only in certain situations. This does not go to the point that we need it to go to get the kind of sys-

temic change we need in our criminal justice system.

Critically, the Republican proposal does not include necessary changes to hold individual officers accountable for misconduct, like making records of police misconduct public. Real change comes with accountability and, as drafted, the Republican bill does not provide it. That is why it is opposed by civil rights and criminal justice groups, and it is why the attorney for George Floyd's family—and I had the honor of speaking with George Floyd's family—has said that this bill is “in direct contrast to the demands of the people.”

So where do we go from here? Well, we can start by calling up the bill that will be coming over from the House. We can start by agreeing to work together. Let's have a bipartisan process to develop the consensus bill that we need based on the bill that is going to be coming over from the House.

As a member of the Judiciary Committee, I have seen what happens when we work together to get something done. That is how we passed the FIRST STEP Act, which passed the Senate with a vote of 87 to 12 by reaching across the aisle and by actually doing something—not just a bill full of platitudes or studies but actually doing something, which is what the people are calling out for now.

By the way, there are a lot of good police officers out there, including ones who work around us, and when you put strong standards in place, they meet those standards.

To allow that conduct that we saw on that video to go without national changes to our policing would be just to say, well, it is just this incident in Minnesota, which, of course, is being prosecuted by our attorney general, Keith Ellison. That is how you could resolve it if you thought it just happened once and it just happened in one State, but we know that is not true, my colleagues. We know that is not true. That is why it is so important to take action and pass the actual bill.

We already started this process in the Senate Judiciary Committee. Last week, we held a hearing on these issues. We heard testimony from local leaders like St. Paul Mayor Melvin Carter and law enforcement officers from across the country.

I heard a lot of agreement among many of those who testified—not all of them but many of them: support for banning choke holds, establishing a national use-of-force policy—these are police chiefs—creating a public database of public misconduct, and ensuring independent investigations of police-involved deaths, something I pushed for in my former job.

You cannot have the police department that the officer works for investigating this conduct. That is wrong, as I said publicly years ago.

There are areas where we can find agreement, but we have to mean it. Chairman GRAHAM said at the hearing

that he hopes the Judiciary Committee could consider what has been proposed and “come up with something in common.”

Well, we start with the bill that is going to be coming over from the House, the bill that has been sponsored in the U.S. Senate by Senators BOOKER and HARRIS.

Instead, Leader MCCONNELL is asking us to consider a bill that was drafted in their caucus, yes, but without the input of so many of us who have seen firsthand the damage that has been done here. He is, then, moving that bill directly to the floor instead of letting the Judiciary Committee consider it. I think that fails to make the kind of meaningful change we need in our system.

This is a moment for urgent action, but it is also a moment for fundamental change. If we respond to all of those people out there and the family of George Floyd—whom I got to meet and sat across the pews from at that memorial service—if we respond with silence, then we are complicit. If we respond as the President has suggested, with dominance and by waving a Bible in front of a church for a photo op, then we are monsters.

If we respond with action—meaningful action—colleagues, then we are law-makers, and that is what the people of our State sent us to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I want to thank the Senator from Minnesota for her ongoing leadership on so many issues and, certainly, this is one of them. We greatly appreciate and need your voice.

Mr. President, for over the past month, Americans in all parts of our country and from all walks of life have once again been marching for the cause of justice. They are raising their voices and raising the names of those killed by police violence: Eric Garner, Michael Brown, Freddie Gray, Breonna Taylor, George Floyd, and Rayshard Brooks.

Americans aren't marching because of politics. They are not marching because they want the Senate to pretend to address this issue and hope it goes away. Americans aren't marching because they want more studies and reports. No. Americans from all walks of life—young and old, people of all backgrounds, religions, and nationalities—are marching because they are sick and tired of learning about more names. They want the people who represent them here in this Chamber to finally confront this deadly serious issue with the seriousness it deserves.

It is time we meet their expectations in this historic moment. This really is a historic moment. It is a historic opportunity for all of us to come together. It is past time to do something to stop the violence. It is time to come together and to do something big and consequential, and it is going to take all of us to be able to do that.

Just think about the big things we have been able to get done in the past decade or so. I am not trying to equate this current moment and this seriousness, but I know we know how to do other big things. The Presiding Officer knows that too. We do things across the aisle. We work across the aisle when we want to get things done.

I think about passing a farm bill, a 5-year farm bill. A lot of people said we couldn't get it done because of all the different interests—the interests of families and food assistance, the interests of farmers and ranchers and so on.

I had my doubts during those times, but we kept on working in a bipartisan way, and in the end we got a bipartisan bill that was good for farmers and our families, good for our environment, good for our economy. In fact, we passed it with an 87-to-13 vote, which is the most votes we have ever had in the Senate for a farm bill.

Police violence and the systemic racism that is behind it deserves at least the same bipartisan effort that we gave the farm bill. In much the same way, the Senate came together across the aisle and got comprehensive immigration reform done. That only happened because people sat down together with different views—Republicans and Democrats—and worked through the complicated issues that were standing in our way, and we got it done in the Senate.

Police violence and the systemic racism behind it deserve at least that same bipartisan effort.

More recently, there was the CARES Act. Democrats and Republicans worked day and night to come together in agreement on the most effective way to meet the needs of Americans during an unprecedented health and economic crisis—which, by the way, we need to do again because we are not done.

Police violence and the systemic racism behind it deserve at least that kind of effort. This is a huge crisis that pulls at the very soul of America. This issue certainly deserves the best of all of us right now, the best of what we can do.

Systemic racism and related police violence certainly deserve, at minimum, the same kind of bipartisan effort we have focused on other issues that have not had the life-and-death consequences of this issue.

The people who are marching and who are crying out for justice deserve a serious response at a serious moment. Leader MCCONNELL needs to take this issue seriously and support a bipartisan process, instead of just moving to a weak, flawed, Republican bill just to pretend that he tried to do something.

The House of Representatives are serious. They are passing a bill this week and sending it over to us. It is a serious bill. I am proud to be a cosponsor of the Senate version with our leaders Senator BOOKER and Senator HARRIS. They are serious about passing the Justice in Policing Act.

Senate Democrats are serious. MITCH MCCONNELL and Senate Republicans

must be serious too. This is the moment. This is the moment for us to be serious together and address this in a big, profound, systemic way.

Eric, Michael, Freddie, Breonna, George, Rayshard, and all of those who are no longer with us, as well as all of those marching, marching, marching and speaking out deserve nothing less than our best at this moment. They deserve a serious bipartisan effort. That is what I support. That is what my Democratic colleagues support.

We know it takes sitting down and listening to each other. It takes working out differences. That is the only way change happens. We are willing to put in whatever time and effort it takes to make this happen, and that is what we are going to continue to fight for.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASSIDY). Without objection, it is so ordered.

Ms. DUCKWORTH. Mr. President, if you walk outside this building and take a few steps toward the White House, you can almost hear the cries for justice still ringing out through the air; you can almost still smell the tear gas lingering over our Nation's Capital. Listen closely and you might still be able to catch the echoes of the peaceful protesters chanting the name of Breonna Taylor, who was killed in her own home after police executed a no-knock warrant; or the name of George Floyd, who was forced to beg for his life until he couldn't beg any longer, held down under the knee of a police officer who swore an oath to protect and serve; or Rayshard Brooks, who was shot in the back just 11 days ago, even as this moment of national reckoning over police brutality was already under way.

For nearly a month now, Americans have been lying down, standing up, kneeling, marching, and mourning in the streets. They have been tugging at and prodding our country, trying to drag it forward until it lives up to the words of its Pledge of Allegiance that in this Republic, there is “liberty and justice for all.”

So far, this Nation has failed to make the promise a reality for Black Americans. It has failed the families of Breonna Taylor, George Floyd, and Rayshard Brooks. It has failed every Black child who knows that playing on a jungle gym could be a death sentence. It has failed every Black parent who kisses the top of their child's head before school each morning as their heart breaks with the knowledge that this time could be the last.

I know that I would never be able to fully comprehend the fear and trauma

that Black Americans experience every day. But what I do know is that the burden of this pain can't fall on them alone. The responsibility, the work of bending the moral arc of the universe toward justice can't just be put on the backs of those who have been feeling its weight this whole time. Rather, it is on all of us—Black, White, Asian, Latinx, you name it—to help those families and communities finally receive the justice they deserve.

But I come to the floor today because my Republican colleagues are trying to force through a bill that barely even pays lip service to the crisis at hand. In some ways, it doesn't even accomplish that. In spite of its name, the JUSTICE Act wouldn't begin to bring any semblance of real justice to the victims from Minneapolis to Atlanta to Louisville and beyond.

It should be obvious by now that the epidemic of police brutality will not be fixed by some bandaid bill. We need to reckon with the real, deep, uncomfortable realities and systemic biases that have marred our country for years. We need to bring systemic change to our law enforcement agencies. We need to force a seismic shift in how we root out and respond to police brutality, including banning choke holds and no-knock warrants in drug cases at the Federal level. My friend Senator BOOKER has introduced legislation that would do just that; the Republican bill would not.

We need to hold accountable officers who break the laws they were trusted to enforce, ensuring that independent prosecutors review police uses of force and prosecute officers who act irresponsibly, recognizing that local prosecutors often have a conflict of interest because they rely on the same police departments to win other cases. I have written legislation to do just that, which has been included in the Democratic bill, but the Republican bill would not do anything close.

We need to amend Federal law on qualified immunity so that officers can't just violate Americans' constitutional rights with mere impunity, and we need to mandate anti-bias Federal law enforcement training. Democrats have put forward policy that would do all of that. The Republican bill refuses any such attempt at accountability and wouldn't even ban racial profiling.

It comes down to this: Real justice, real accountability requires these reforms. Yet the JUSTICE Act itself is silent on so many of them. The so-called "reform" bill aims more at reforming public opinion than actually reforming the policies that got us here.

The families grieving today deserve better, as George Floyd's family made it clear when they themselves spoke out against the bill. They know that those who had a loved one stolen from them deserve more than just lip service. They deserve for their Senators, for the officials elected to represent them in what is supposed to be the world's greatest deliberative body to

try to pass legislation that would actually address the issues in question and the crisis at hand.

Look, next week our country will celebrate its Independence Day. What does freedom for any one of us mean if so many of our neighbors still are not free to walk down the street or sleep in their own homes without fearing for their lives? Until every Black American can breathe without a knee on their neck, no American should feel as if we are truly able to take a breath ourselves.

The Republican bill that we are expected to vote on tomorrow isn't just a disappointment. It leaves Black Americans in unnecessary danger. And settling for lip service when lives are at stake isn't just inadequate. It is cruel too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I want to thank my friends, KAMALA HARRIS from California and CORY BOOKER from New Jersey, for leading us in this fight for so many years.

I remember well when I first went to work for the city and county of Denver. One of the first tragedies that we had in the city at that time was the shooting of a young man named Paul Childs in Park Hill by police under circumstances that should never have happened. That was almost 20 years ago, but these headlines haven't stopped. If anything, matters have gotten worse.

As the country has grappled with the pandemic over the last few months, I heard a lot of people talk about how it has revealed a profound sense of inequality in our country, how it has exposed all this injustice in the United States of America.

We should not have needed a pandemic to expose the injustice that exists in the United States of America. It should not have taken a pandemic to alert people to the injustice in our country. If you have been paying any attention, if you have listened at all to the Black voices in the United States of America, then you know these injustices have been with us for generations.

In the case of our law enforcement system, they have literally had life-and-death consequences for Black Americans, and it just keeps happening. One reason it keeps happening—the one reason it happened to Ahmaud Arbery, Breonna Taylor, or George Floyd—is that what happened to them would never happen to my three daughters; what happened to them would never happen to me. It has never occurred to me once, when I am walking around my neighborhood in Denver, that what happened to them could happen to me or my children. That is what is meant, in part, by White privilege—a privilege that almost everybody in this Chamber enjoys.

I think we can never accept that we live in a country where one group of

people is less safe than another for no reason other than the color of their skin. We have to refuse to accept it, but that is the country in which we live.

We have to acknowledge, finally, what KAMALA HARRIS and CORY BOOKER and others have been telling us, which is that our criminal justice system in this country is broken.

Our long history of unequal treatment of poor and minority criminal offenders—especially Black Americans—has evolved into a system of mass incarceration unlike that of any other developed democracy. A network of dystopian, privatized prison spreads across the land to house people who, in many cases, shouldn't even be behind bars, who were convicted for infractions relating to things that are legal in the State of Colorado today.

According to Ta-Nehisi Coates' definitive article on the subject of the U.S. mass incarceration, our country accounts for less than 5 percent of the world's population but 25 percent of those who are incarcerated. Our closest competitor—and it is hard to find one—is Russia, a virtual police state.

In our country, there is nothing equal about who is incarcerated. Black males between the ages of 20 and 39 are incarcerated at a rate 10 times the rate of their White peers. Every one of these issues needs to be reexamined and formed not by ideology but by pragmatism and, most important, the moral commandments of a just society. That is what the patriotic Americans in our streets in downtowns demand. They are not calling for one more commission. They are not calling for one more study. They are calling for real reform. That is what people mean when they say: This moment calls for real reform. That is what the people are saying in the streets.

With respect to my colleagues on the other side, the proposal Senator MCCONNELL has put forward doesn't come close to meeting that test. His bill, his proposal, which is meant to paper this over and get through to another chapter, not address the issue—his bill still allows the use of choke holds, the same choke holds that suffocated the life from Eric Garner. It doesn't ban no-knock warrants, the same practice that led police to break down Breonna Taylor's door and shoot her eight times in her own apartment. It doesn't make it easier for families like the family of George Floyd to seek justice when their loved ones have been victimized by police brutality. It doesn't even ban racial profiling. There is virtually nothing in this bill to respond to the families calling for justice or to save lives from police practices that have no place in America in the year 2020.

This is not a time for half measures, for one more attempt to use talking points and legislative tricks to make it seem like we are doing something when we are not. The idea that the country isn't ready for a comprehensive approach is not true.

I will yield to my colleague from Connecticut in just a minute.

Last week in Colorado—my State, a Western State, a purple State—we became the first State in America to pass a sweeping police accountability bill into law. It is almost exactly like the one we have proposed here. We passed that bill 52 to 13 in the State House and 32 to 2 in the Senate—32 to 2. Only two Republicans in the Senate voted against that bill. Every single Democrat voted for that bill. And that is Colorado, out in the middle of the country. It sets a standard for what we need to do in Washington, which is to pass the Justice in Policing Act that Senator HARRIS and Senator BOOKER have put forward because we will never heal as a nation, as a country, unless we confront and dismantle the systemic injustice and the systemic racism that still plagues America, running as it does in a straight line from slavery to Jim Crow, to the redlining of our housing and banking system, to the mass incarceration that we have, to the prisons that Ta-Nehisi Coates refers to as “The Gray Wastes.”

As I said on the floor the other day, anyone who studied the history of our democracy knows how tough it is to make progress. The struggle has always been a battle from the very beginning of our founding, between our highest ideals and our worst instincts as a country. More often than not, the fulcrum of that battle from the founding until today has been race. Progress on these lines has never been easy. It has never come easy.

Among us are still people whose politics are aimed at stripping some citizens of their rights and opportunity, who despise pluralism, who succumb to fearful hatreds like racism or who care nothing for anyone but themselves. Their presence means that the rest of us, most of us, who Martin Luther King, Jr., called the great decent majority, must share an even deeper understanding of our patriotic obligation to our fellow Americans and to our Republic. Right now, that obligation means doing everything in our power to answer the call of Americans in our streets and downtowns, from DC to Denver, and beyond, who are calling for an America where no one is denied protection of the law or justice or their own life because of the color of their skin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I have been doing a lot of listening over these past months. Like Americans across this country, I have been doing a lot of listening to the dedicated and passionate people, our fellow Americans, who have marched in the streets and our communities with passion, but peacefully, in their cries for justice. In fact, I have marched with them in 15 or more demonstrations in Connecticut—big cities, Hartford, Stamford, New Haven; smaller cities, Lyme, Marl-

borough, Trumbull, Windsor, Glastonbury; and then places like Torrington, East Hartford, Danbury—all across the State, proud to be with people from Connecticut, led by our young people, as are many great social movements and revolutions of our time led by young people who have the audacity and hope to cast aside the normal and say: There is no going back. There is no rolling back to the old normal. What we need is action.

That has been the common theme in these cries for justice—the demands for accountability, the pleas for an end to racism, generations of racial justice, and racism with historic roots in so many of our institutions, including some of our law enforcement. But they are demanding more than just our listening and more than just our speaking. They are demanding action—real action, real reform, real change with real teeth and new laws.

The time has come for us in this Congress to heed those calls. We need legislation that honors the memories and the lives of those who have lost their futures: Michael Brown, Philando Castile, Sandra Bland, and countless others added to George Floyd, Breonna Taylor, Ahmaud Arbery, and Rayshard Brooks. Some are in the headlines. Some of their deaths have been caught on video—but so many thousands never on video, never publicized, and never known to the public.

In their memory, but also for the sake of our future, we should move forward with action. We are here today because, simply and starkly, the Republican JUSTICE Act fails to meet this moment. It fails that test.

I have been listening not only to the folks in the streets and our communities but also to my great colleagues CORY BOOKER and KAMALA HARRIS. Clearly, from what we have heard from them and the work they have done, along with many of us, to fashion the Justice in Policing Act, the Republican proposal is a shadow of what it should be—unacceptably weak, nibbling around the edges of this problem, without any guarantee that Black Americans will not again ask us whether their lives are worth \$20.

The JUSTICE Act fails completely to address the harmful policing practices that we know have cost lives. The deaths of Breonna Taylor and Eric Garner are not anomalies. Choke holds and no-knock warrants are known to be costly. They have cost Black lives. The JUSTICE Act ignores this truth.

Americans are not marching in the streets so we might “study” these phenomena. They are not begging us to design programs “disincentivizing” practices that are literally killing Americans—Black Americans—Americans who deserve justice.

The notion we could respond to this moment with a commission or several commissions and incentives to do better is insulting to all of us. We need legislation that explicitly bans the use of choke holds and no-knock warrants

in drug cases so we can credibly tell the American people we hear you, and we will act.

Communities of color must be able to trust that law enforcement will be held accountable if they commit criminal acts. The Republican JUSTICE Act completely lacks any mechanism to hold law enforcement officers accountable in court for their misconduct. It makes no change to section 242 of title XVIII, which makes it a Federal crime to willfully deprive a person of constitutional rights.

This criminal statute can be used to hold officers accountable for the use of excessive force—something we all know led to the deaths of far too many Black and Brown people in this country. I believe that criminal liability is a critical tool in the law enforcement accountability toolbox but only if it is used.

Right now, civil liability is available, albeit an inadequate remedy so long as a qualified immunity is not reformed. But very often, in 99 percent of the cases, any civil remedy involves indemnification by the municipal government. Indemnification means the individual officer feels no financial penalty and very often little other penalty. Criminal liability involving potentially prison concentrates the mind. It is a strong deterrent.

As I said in a hearing that we conducted in the Judiciary Committee, we need change to make it a real remedy and a real deterrent. When Officer Chauvin held his knee on George Floyd’s neck for 8 minutes 46 seconds, he looked straight into those cameras with impunity because he assumed he would never be prosecuted criminally. He never imagined that justice would find him, and justice still must find him in a criminal court. He ignored the pleas of bystanders telling him to stop. He ignored George Floyd, as he begged for his life.

These kinds of actions by an individual in a system that has shielded people like them simply encourage more of them. Section 242’s change in the standard of criminal intent will provide real criminal culpability for police who deserve it.

The Republican JUSTICE Act relies mainly on data collection, which may be used to inform policy proposal at some later time. It pushes down the road any real action.

We already have statistics. Since 2015, there have been 5,000 fatal shootings by on-duty police officers. In the past year, over 1,000 people have been shot and killed by police. Black Americans account for less than 13 percent of the country’s population, but they are killed at more than twice the rate of White Americans.

Data is important. In fact, I was the lead sponsor of the Death in Custody Reporting Act, passed about 6 years ago. Regrettably and inexcusably, that measure has never been enforced so that it has never really been effective. We must make it so. But it shows the

limitation of any data collection system. The fact is, systematic racism law enforcement has gone unchecked for too long. The time for accountability is now. It is long overdue.

Let me say, finally, for most of my professional career, I have helped to enforce the laws. I have been a trial lawyer, yes, but I also served as the chief Federal prosecutor—the U.S. attorney—for Connecticut for 4½ years and then as attorney general of my State for 20. I have seen some of the best in law enforcement and some of the worst.

We need a higher standard, not just in words or paper but in fact. We need a standard that is worthy of the people who have marched and cried for justice throughout American history, who have tried to dream of a better system and a fairer country. There is so much work for us to do. At this moment, we must seize the opportunity, a point of consensus, to come together and act in a way that is worthy of this great Nation. We have proposed exactly that action in the Justice in Policing Act. We should be moving forward on it now, not on a bill that is truly unacceptably weak and inadequate and unworthy of this historic moment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

THE JUSTICE ACT

Mr. BROWN. Thank you, Mr. President. Thousands of Americans are protesting in communities across our country demanding that our country be better. The protests are an expression of grief for Ms. Taylor and Mr. Floyd and Mr. Arbery and Mr. Brooks and so many other Black Americans murdered by the people who are supposed to protect them. They are an expression of frustration and anger. It is 2020. It is the year 2020, a century and a half after the official end of slavery, five and a half decades after the passage of the Civil Rights Act, and still Black Americans are fighting the same fight. They are also an expression of hope against racism. We demand that our country do better. Demanding that we live up to our founding ideals is one of the most patriotic things anyone can do.

We need to listen to the Black voices leading these calls for justice and take real action. That is what Democrats want to do, and my colleagues Senator HARRIS and Senator BOOKER and the Congressional Black Caucus in the House have led bicameral efforts and have a serious plan, the Justice in Policing Act. Everybody knows it is a serious plan—everybody. It would implement real, meaningful reform. It would actually hold police accountable. It makes clear: no more choke holds, no more unchecked police misconduct, no more militarization of police.

Of course, we know this isn't the only thing we need to do. Policing didn't create institutional racism; it is a product of it and often reinforces it. We have a lot of work to do beyond this,

but these reforms are an important start to making policing in our country more just.

The Justice in Policing Act would create real change in our justice system, and communities across the country can't afford for us to not act on this meaningful legislation. What we cannot do is pass something just called police reform that does so little to actually reform policing and then turn around and tell Black mothers and fathers whose children who have been slain: See, we solved it. Our work here is done.

I respect Senator SCOTT, and I appreciate his coming to the table and taking on this issue. I know he is fighting an uphill battle with his own caucus. I know that. So many on his side of the aisle don't want to do anything, but they think they need to check the box.

I want to work with Senator SCOTT and with anyone of either party on real solutions. All of us on our side do. But I am not willing to participate in a political charade to vote on something that has no chance to lead to real change. It just checks a box and provides politicians with a talking point. It is an insult to Black families who have been fed empty promise after empty promise, year after year, decade after decade, generation after generation.

We need to listen to the communities that suffer the most at the hands of police violence. They all agree that the Senate Republican bill is simply not serious. It will not fix the problems. We will be right back here sooner rather than later. Virtually every major civil rights group opposes this bill: the NAACP Legal Defense Fund; the Urban League; the Young Women's Christian Association, one of the most important civil rights and women's rights organizations in the country.

It doesn't ban no-knock warrants; the Justice in Policing Act does. It doesn't stop the militarization of police departments; the Justice in Policing Act does. It doesn't create a national misconduct registry; the Justice in Policing Act does. It doesn't ban choke holds; the Justice in Policing Act does. These are all steps that civil rights groups have said are critical to any reform effort. It is the bare minimum.

All this bill offers is more studies of questions we already know the answers to. We don't need more studies. We don't need more task forces. We don't need, as Senator MCCONNELL specializes in, more delaying tactics. We need accountability. The JUSTICE Act even puts us in danger of moving in the opposite direction by providing more funding for policing without adequate rules and regulations and without a similar investment in community support.

The NAACP says this bill "ignores the public demands to reimagine public safety by shrinking the purview of law enforcement and providing better funding to agencies equipped to address the

critical needs of communities such as social services, mental health services, and education."

The Urban League says this Scott bill "dances around the edges in a show of political posturing."

We refuse to engage in that political posturing. We refuse to act like it is just a box we check and then we can move on. We refuse to insult Black Americans by pretending—pretending—this is a serious effort. People have suffered too long for that.

We have been here before. This isn't the first wave of protests or the second. In 2014, after the murders of Tamir Rice in my city of Cleveland and Michael Brown in Ferguson, MO, President Obama's legislation laid important groundwork for reform. They studied what reforms would be most effective. They instituted consent decrees with cities to hold departments accountable, and they created a roadmap we could follow. But President Trump undid much of the progress the Obama administration made.

The Urban League put out a plan for reform around the time of the murder of Tamir Rice after Michael Brown's murder in 2014. Since then, nearly 1,300 Black men and women—think of that—more than 1,300 Black men and women have been fatally shot by the police since the deaths of Michael Brown and Tamir Rice 6 years ago. This bill does nothing to stop the practices that killed them.

Black Americans know their lives are put in danger by police every day. We must listen to them. People all around the country—Black and White and Brown, in small towns and big cities, young and old—are listening, waking up, and joining the calls for change. The peaceful demonstrations and protests all over my State in Black and White neighborhoods and integrated communities and small towns and rural Ohio, in big cities, in suburbs everywhere—let's follow their lead. Let's actually hear the voices that have been silenced for too long.

I urge my colleagues to vote no and, instead, to work with us on real, meaningful reform to transform our public safety system into one that actually keeps people safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to address the nationwide call for reasonable, sensible police reforms. Last month, the American people watched in horror as a police officer knelt down on the neck of George Floyd for 8 minutes and 46 seconds, killing him.

"I can't breathe." It was a slow execution caught on video, a metaphor for the systematic racism and injustices Black and Brown communities endure every day. But unlike other horrific videos of police killings that have sparked protests, this feels different. This is a moment when people of all races and walks of life have taken to

the streets in cities and communities across the country. They are crying out: Enough is enough.

It is time for us to address the institutional racism, economic, societal, and environmental inequities and injustice that have plagued this Nation since its founding. The American people are demanding real, meaningful change—bold, comprehensive action that starts by reforming our police system that has historically dealt a heavier hand toward communities of color.

What did the Republican majority do to answer the public's plea? They have offered the American people the JUSTICE Act. They call it justice, but justice for whom? This bill fails to meet this moment in history before us. It offers only lip service to the families of George Floyd and Breonna Taylor and Tamir Rice and Eric Garner and all of those tragically lost at the hands of the police.

The Republican JUSTICE Act is nothing more than a glorified suggestion box filled with half measures and placations that sound good on paper but simply will not deliver the real change the American people are demanding from this body. There is no justice in the JUSTICE Act; rather, it is a wholly inadequate response to the injustices faced by Black and Brown communities at the hands of the police. It merely asks, suggests, recommends, and encourages. It says to law enforcement: Hey, would you mind? Could you kindly? Do you think you might be able?

Nowhere in this bill does it compel, require, mandate, or insist upon the commonsense structural reforms the American people are demanding. The JUSTICE Act calls for reports and a commission, but we have had 400 years to study the stain of slavery and institutional racism in this country. We don't need a study to tell us that too many young Black men are dying at the hands of the police or that you are more likely to be shot and killed by the police if you are Black than White. A commission will not save the life of the next George Floyd.

My Republican colleagues may think that the American people will praise them for passing an empty bill named "JUSTICE" that does no justice to the deep-seated, systemic failures in our policing system. They are mistaken.

Indeed, I would encourage my Republican colleagues to consider the Justice in Policing Act, led by Senators BOOKER and HARRIS, which I am proud to cosponsor. It requires a comprehensive set of reforms designed to increase police accountability, improve transparency, and invest in training. The Justice in Policing Act bans no-knock warrants in drug cases, the kind that led to Breonna Taylor's death. It establishes a national public registry on police misconduct so that the bad actors who make it harder for the good cops to do their jobs can't just move from department to department. Our bill requires data collection and publication

on the use of force. The Republican bill does none of those things. While the Justice in Policing Act bans deadly choke holds and other tactics that restrict blood flow to the brain, the Republican bill stops short of any such ban.

The JUSTICE Act is also silent on racial profiling and the militarization of local police departments. It is silent on funding independent investigative channels to prosecute police misconduct and fails to strengthen pattern and practice investigations. It fails to establish national standards for police misconduct. While it would provide additional money to law enforcement, it does so without actually requiring any substantive change, so it fails us. The JUSTICE Act fails to create a system of policing that is about community safety and equal application of the law.

So, again, I ask my friends on the other side of the aisle: Where is the actual justice? Where is the justice for Breonna Taylor, George Floyd? Where is the justice for those murders that were not captured on video? Where is the justice for thousands of Black men sitting in prison, victims of over-policing and racial profiling?

Senator MCCONNELL would have us think that the JUSTICE Act is our only option, that if we don't acquiesce to these half measures, then we don't really want reform. That is simply not true.

It seems to me that the Republicans and the President don't want real reform. They want window dressing and fresh paint instead of fixing the very foundation on which our policing system stands. They want to say that they did something without actually doing anything meaningful. They want to blame Democrats for holding out for real justice and refusing to play these political games with people's lives.

The House is going to pass the Justice in Policing Act on Thursday. I urge Senator MCCONNELL to take up that bill so that we can have the meaningful conversation on police reform our constituents and the Nation are demanding.

We know that reform can work. Camden, NJ, offers us concrete evidence about what we can accomplish when we get serious about making real changes. With one of the highest murder rates in the Nation, excessive force complaints were dramatically reduced, both in terms of homicides and excessive force issues.

So before I close, let me make perfectly clear the profound respect that I have for the men and women in law enforcement. Policing is a very tough job, and the vast majority of officers go out and perform their jobs every day with dignity and professionalism and care for the people in the communities in which they serve. I am deeply grateful for their service throughout the State of New Jersey and, indeed, throughout the Nation. These officers, who do their jobs with dignity and respect for the people they serve, share our demands

for real change. In fact, in Camden itself, a White chief of police joined with hundreds of protesters who were marching for change.

Across the country, tens of thousands of Americans did not brave a pandemic and endure being shot at with rubber bullets and tear gas just so that Congress could create another commission and mandate another report. They demand that their elected officials in Washington meet this moment in history and actually do something that lives up to the American promise of a nation where every man and woman, regardless of their race, ethnicity, gender, or orientation, is treated equally—equally under the law.

I will just close by saying that the Nation will rue the day it answered the call for reform with business as usual. There will be a rude awakening. Who among us—who among us, if this were our daily experience, would be satisfied with the counsels of patience and delay? Who among us?

The American people are calling for real justice. We should listen. We should act, and we should deliver real justice.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTESTS

Mr. RUBIO. Mr. President, Mr. Floyd's horrific murder at the hands of a man sworn to uphold the law, our Nation has seen justified anger. As I said here 2 weeks ago, it is a moment that calls for not just police reform, it calls for a full reckoning with racial inequities that still plague our Nation.

There is, in my mind, nothing more un-American than racial discrimination. Our Nation was founded on the revolutionary truth that every human being is created equal and that our rights do not come from our government or from our leaders or even our laws; our rights come from our Creator.

It is true that the man who authored these words and gave birth to the young Nation did not fully live up to these principles, but it is also true that every single great fight for equality in this country's history has come from a direct appeal to those powerful principles. Slavery, segregation, discriminatory impediments to voting—all of these came to an end, not from efforts to overthrow our values but from demands that we fulfill them, for these evils could not exist in a country, in a nation, built upon the idea that all people are created equal with rights granted to them by God.

Slavery and racial discrimination are, indeed, a tragic part of our history, but the long and the steady and

the perpetual march toward equality, that is part of our heritage as well.

Today, a new generation of Americans is reminding us that while we have traveled far on the quest for a more perfect Union, the final miles of that journey still lie ahead. The overwhelming and vast majority of these Americans on our streets are peacefully reminding us that, yes, Black lives matter. They are not asking that we destroy America; they are demanding that we be more American; that we more fully become a nation with liberty and justice for all. But it is now also clear that there are others with a different agenda who have taken to our streets as well.

They are the ones who argue that because the men who wrote our Declaration of Independence and our Constitution were imperfect and, in some cases, racists, that the Nation their words gave birth to is beyond redemption; that America cannot be improved or saved; and that therefore it must come to an end.

These radical views are not new. From the crazy professor whom no one took seriously to the nut job running for office with no chance of winning, they have operated on the fringes of our politics for decades. The difference is that, in recent years, they have begun to move out from the fringes, and now these radicals are capitalizing on a legitimate movement to force their madness even further into the mainstream. Now their violence, their vandalism, their anarchy are excused, tolerated, sometimes even celebrated by some, and their radical agenda is shielded, increasingly, from scrutiny by an emerging speech code that condemns as hate speech and as racism any criticism of these anti-lynching American radicals.

The self-proclaimed guardians of free speech in media now apologize for printing the opinions of a U.S. Senator and actively cajoled tech companies to censor conservative voices. Social media companies, which owe their very existence to freedom of expression, now threaten to block the accounts of American politicians in publications here at home, while eagerly complying with the demands of totalitarian racist regimes abroad.

Online mobs not only decide what is acceptable speech but are empowered to destroy the reputation and career of anyone they believe has violated their standards. Celebrities and large corporations are so eager to proactively shield themselves from being canceled that they raise money to bail out arsonists, but they do not raise a single cent to help the small business owners, oftentimes minorities themselves, whose life work was looted and burned to the ground by the radicals.

This radicalism, this anarchy, isn't just annoying; it is destructive, and it is dangerous. It is destructive to bedrock institutions in our country and their legitimacy in the eyes of our people.

Why would people trust public health experts who told them they had to lose their job or their business, that their kids couldn't have a graduation, that their grandmother couldn't have a funeral but are afraid to say anything about crowds of people setting fires and looting businesses?

Why would people trust local leaders who will close your business for having too many customers or threaten to arrest you for going to a park or to a church but who stand by and do nothing when a mob vandalizes a monument, tears down a statue, or takes over an entire section of a city?

Why would people trust the media that will shame them for going to the beach, for not wearing a mask in public but portrays a mob of White anarchists attacking African-American police officers as just frustrated racial justice activists?

This radicalism is also dangerous because, if it is OK for a violent mob to tear down a statue, then what is to stop another violent mob from showing up to defend it? If it is OK to set a police car on fire, what is going to stop someone upset at activist judges from burning down a courtroom? Where does it end? It will not end because there is no way to satisfy radicals who only seek destruction.

Just ask a clergy at the historical St. John's Episcopal Church. Three weeks ago, they expressed their support for and solidarity with the protesters, even after some agitator tried to burn down the church. Last night, radicals vandalized their church, calling for an autonomous zone here in Washington.

Just ask the mayor of Seattle. Just a few days ago on national TV, she was saying that the so-called autonomous zone in her city would lead to a "summer of love." Now they have announced that they are going to move in and retake the area after multiple people were shot over the weekend.

The anti-American radicals don't care about racial equality, and they will not stop as long as everyone is afraid to call them out for who and for what they are. As long as we fail to point out that those seeking racial equality and these radicals are not the same people; that the people committing this violence and carrying out this anarchy and this chaos are not the same people as the people who are rightfully asking for us to address racial inequality, as long as we fail to point that out, they will continue to hide behind this important and legitimate movement.

It is time we stop—we stop being afraid to express the common sense of Americans of every race, of every background. Yes, we must address racial inequality. Yes, Black lives must matter. But the vandalism, the arson, and the anarchy on our streets have nothing to do with this important cause.

Yes, some police departments need to be reformed, and bad police officers need to be fired. And if they committed crimes, they need to be arrested, and

they need to be prosecuted. But, no, we are not going to abolish or defund police departments.

Yes, racial disparities must be acknowledged, and they must be addressed but not by giving in to a bunch of crazy radicals who hate and want to destroy this country of ours. This is what the overwhelming majority of Americans of every race and background believe, and this is what so many are afraid to say for fear of being destroyed by an online mob and their accomplices.

For over 200 years, each generation of America has moved us ever closer to fulfilling the powerful truths upon which this Nation was founded. Now it is our turn to do the same, not by destroying America but by becoming more fully American, not by abandoning our founding principles but by moving us closer to becoming the one Nation under God with liberty and justice for all that we have pledged our allegiance to.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAMER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CORY T. WILSON

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Cory Wilson to a Mississippi seat on the Fifth Circuit. Judge Wilson has a troubling record on a number of critically important issues. That record makes clear Judge Wilson is far outside of the judicial mainstream. I believe that record is and should be disqualifying.

First, Judge Wilson has a long record of working to undermine voting rights. He has been a longtime proponent of voter ID laws—which disproportionately harm communities of color, students, voters with disabilities, and the elderly—and has made false claims about the prevalence of voter fraud.

He has likewise expressed opposition to enforcement of the Voting Rights Act and has made unsubstantiated claims that voter suppression is nonexistent. As I have noted before, Judge Wilson's troubling record on voting